



State of Delaware  
Department of Natural Resources and Environmental Control  
**Delaware Division of Parks and Recreation**

89 Kings Highway  
Dover, Delaware 19901  
**OPEN SPACE COUNCIL  
MINUTES**

Legislative Hall  
Senate Hearing Room, Second Floor  
Dover, DE  
June 5, 2007  
9:00 a.m.

**ATTENDANCE**

Council Members

Lynn W. Williams, Chairperson  
Paul Boswell, Esq.  
D. Wayne Holden  
Harvey Marvel  
William Powers, Jr.  
John R. Schroeder

Advisory to:

John A. Hughes, Department of Natural Resources & Environmental Control

Ex-Officio

Michael Scuse, Department of Agriculture  
Charles A. Salkin, Parks & Recreation, DNREC

Staff

Matt Chesser, Parks & Recreation, DNREC  
Phil Carpenter, Fish & Wildlife, DNREC  
Tim Kaden, Parks & Recreation, DNREC  
Austin Short, Forest Service, DDA  
Ron Vickers, Parks and Recreation, DNREC  
Michael Valenti, Delaware Forest Service, DDA  
Rose Ryödi, Parks and Recreation, DNREC  
Glenn Shipley, Legislative Assistant, (Senator DeLuca)  
Tim Slavin, Div. of Historical & Cultural Affairs  
Heather Keegan, DEDO

Visitors:

Blaine Phillips, Mid-Atlantic Regional Director, The Conservation Fund



I. Call to Order/Announcements

The regular Open Space Council meeting was called to order by Mrs. Lynn Williams, Chairperson, at 9:08a.m. She welcomed Council members and visitors.

II. Review of Minutes of the March 13, 2007 Meeting

Council Chair Lynn Williams asked Council if there were any changes to the March 13, 2007 minutes as presented. It was moved and seconded to approve the minutes as read.

III. Financial Report

Mr. Vickers explained the Open Space Program Fund Summary. The remaining Realty Transfer Tax funds for FY2007 are \$399,746.65.

There were two settlements since the last meeting: (1) Loessner property at Blackbird State Resource Area; (2) Eagle Farms at Lower Delaware River State Resource Area.

The program receives \$9,000,000 per fiscal year from Real Estate Transfer Taxes. FY2008 has five project commitments totaling \$5,592,000 leaving a remaining balance of \$3,408,000.00 from the FY2008 funds. The Open Space Program is scheduled to receive a reimbursement of \$3,240,000 from NOAA'S CELCP program. This is administered by the Coastal Programs in the Division of Soil and Water Conservation. The reimbursement is for the purchase of the Eagle Farms property. These funds plus the remainder of FY2007 and FY2008 funds gives a total of \$7,047,746.65 for the remainder of FY2008.

It was noted that to date the Open Space Program has protected a total of 45,249.163 acres of land at a cost of \$215,462,564.81 in program funds and \$19,102,992.74 from other sources.

IV. Agency and Public Presentations

Secretary Hughes said he completed his SRA talks with New Castle, Kent and Sussex county governments. He was politely received by all three Counties. He said the range of interest was varied. Sussex County was the least supportive. At the Kent County meeting only one person from the audience spoke up in opposition. Most of the SRA land in New Castle County is already protected in some way through existing county ordinances and that the council members were supportive of protecting these important lands.

Mrs. Williams opened the meeting to the public and other staff and invited them to introduce themselves. There were no comments from other staff or guests.

V. Executive Session - Discussion of Site Acquisition Contracts

The Council adjourned to Executive Session at 9:20 a.m. to discuss site acquisition contracts. The Council returned to Open Session at 9:55 a.m.

VI. Project Recommendations



Based on discussion at Executive Session, the Council determined the following:

- A. Ellendale/Redden State Resource Area- Glatfelter Properties: multiple tracts totaling  $\pm 1,211$  acres. It was moved, seconded and agreed to recommend the purchase of the Glatfelter properties with up to \$800,000 of Open Space Program funds and additional funds from the Federal Forest Legacy program and a private foundation.
- B. Blackbird State Resource Area-Sweetman:  $\pm 24.79$  acres at a contract price of \$4,500 per acre. It was moved, seconded and agreed to recommend the purchase of the Sweetman Tract property for approximately \$112,000.00.
- C. James Branch State Resource Area-Larrimore/Hitchens:  $\pm 199$  acres appraised at \$1,500,000. It was moved, seconded and agreed to recommend the purchase of the Larrimore/Hitchens property at a per acre price for a total of \$1,500,000.
- D. James Branch State Resource Area-Riggleman/First Mariner Bank Property:  $\pm 8$  acres including minor subdivision and closing costs borne by seller. It was moved, seconded and agreed to recommend the purchase of the Riggleman property for up to \$65,000.

Mr. Holden commented that staff did an excellent job in getting so much land so inexpensively.

VII. Announcements: Mrs. Williams said she had two announcements.

(1) Mr. Nathan Hayward communicated with her that he had taken a position as an individual and not as a Council member, to oppose amending the Gibraltar property conservation easement. Mrs. Williams said Open Space Council approved funding for these easements several years ago. Any proposed changes would have to go through the Division of Historical and Cultural Affairs since it is the grantee on the easements. Mrs. Williams pointed out that Secretary Hughes's comments from the last meeting (3/13/07) were recorded. Mrs. Williams invited Tim Slavin to update the Council. Mr. Slavin said the public record was open for comment on the proposed changes to the conservation easement on the Gibraltar property. His office was taking the comments under advisement and soon would be rendering a decision on the proposed amendment to allow additional building on the site.

Mr. Salkin pointed out to council members not familiar with the statute that when the Land Protection Act was created it stipulated that land acquired with Open Space funds, which included easements and other property interests, would remain in open space use. If there were any conversions or changes for some other use, then that could only be approved with authorization of the General Assembly and that the fair market value of the land taken out of open space use for whatever purposes would be returned to Open Space funds. Mr. Salkin said it was not clear what role, if any, the Open Space Council would play in any proposed changes to the easement.



Secretary Hughes said preserving the Gibraltar property is important to him. He said when a promise is made to a neighborhood that the property will remain intact for all eternity, then it should remain that way. He said the neighbors were equally divided on the issue.

(2) Mrs. Williams' second announcement was that Tim Kaden would be retiring on August 31, 2007 after 37 years of service to the State. Mrs. Williams thanked him for all the work he had contributed to the Open Space Program and to the State. She said she also enjoyed walking through the woods with him.

Mrs. Williams asked if Council had any more announcements to make.

Secretary Hughes asked that Council write a letter of thanks to the private donors that help make our successful land deals. There was a unanimous consensus of the Council to thank such supporters.

VIII. Next Meeting and Adjournment

Council Chair Williams asked for a motion to adjourn the meeting. The motion was made by Mr. Powers and seconded by Mr. Holden. Meeting adjourned at 10:10 a.m.

The next Open Space Council meetings for 2007 will be held on Tuesday, September 11, 2007 and Tuesday December 11, at Legislative Hall, Second Floor, Senate Hearing Room, Dover, Delaware.

Respectfully submitted  
Rose Ryödi